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Serial No.: 10/667,869
Group Art Unit: 2616
Examiner: Redentor M. Pasia**REMARKS**

Claim 12 has been canceled. New Claim 24 has been added. Thus, Claims 1-11 and 13-24 remain pending in this application. Claims 1, 5, 8-11, 13, 15 and 19-21 have been amended. Applicant notes that Claims 5, 9-11 and 19-21 have been amended merely to correct typographical errors or to provide proper antecedent basis as a result of amendments made to independent Claims 1, 13 and 19.

I. REJECTIONS UNDER 35 U.S.C. § 112

Claims 1-12 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Claims 1-2, 9-10 and 12 lack antecedent basis for the limitation "said logical communications node." In response, Applicant has amended Claim 1 to now specifically recite "a logical communications node," thus providing the proper antecedent basis for subsequent claims. As such, Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. § 112, second paragraph, objection to Claims 1-12.

II. REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-2, 8 and 11-21 stand rejected under 35 USC 102(e) as being anticipated by *Schneider*, et al. (U.S. Patent Application Publication Number 2006/0114889A1). Applicant respectfully submits that these rejections are overcome in light of the above amendments.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed

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invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Claim 1, as amended, states in-part, "*A physical packet services node within a telecommunications network, comprising: a logical communications node operated by a service provider as an independent packet services node of the service provider that is capable of handling service requests for customers of the service provider*". Support for these amendments can be found at least on pages 15-16 of the present application. Applicant submits that the above features are not disclosed in *Schneider*.

Schneider teaches a system for providing a network service to an end user by providing a unique setup identifier and enabling certificate to the end system for the network service, and instructing the end user to include the unique setup identifier and enabling certificate in the setup request for the network service (*Abstract*). More specifically, *Schneider* describes a service control (58) that provides policy and/or logic enabling the network request to one or more switches or routers (42, 44 and 46) that are in the connection path for the setup request (paragraphs 41, 42 and 59-62). Thus, *Schneider* teaches a mechanism for allowing different network services to be provided to an end user for a specific call by a source outside of the switch (paragraphs 8, 9 and 22-24).

By contrast, the present invention defines a physical packet services node that includes a logical communications node. Therefore, the logical communications node of the present invention is within the physical packet services node, and is not an outside source of network services, as in *Schneider*. In addition, the logical communications node of the present invention is operated by a service provider as an independent packet services node of the service provider and is capable of handling service requests for customers of the service provider. Thus, the logical communications node of the present invention operates as an independent packet services node (e.g., switch or router) of the service provider, and as such, is capable of handling multiple service requests for multiple customers of the service provider (e.g., multiple calls). In

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Schneider, the routers and switches do not contain logical communications nodes that are operated by separate service providers. They merely allocate their resources for a particular call between end users. Thus, in *Schneider*, the resources are reserved in the switches or routers for a single/specific call, not allocated to a particular service provider for their use in servicing their customers (e.g., all calls of their customers), as in the present invention.

Thus, *Schneider* does not teach, within its four corners, each and every element of, in the detail of, the claims of the present invention and should be withdrawn as a reference under 35 U.S.C §102. Applicant submits that independent Claims 13 and 19 contain similar claimed elements and also declares the above-stated arguments for independent Claims 13 and 19. Claims 8 and 15 have been amended to coincide with the amendments made to Claims 1 and 13. Claim 12 has been canceled, thus rendering the rejection of this claim moot.

As demonstrated above, the § 102 rejections of Claims 1-2, 8, 11 and 13-21 are overcome, and withdrawal of those rejections is respectfully requested. Therefore, Applicant submits that Claims 1-2, 8, 11 and 13-21 are in condition for allowance.

III. REJECTIONS UNDER 35 U.S.C. § 103

Claims 3-6 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schneider* in view of *Lau et al.*, (U.S. Patent No. 7,079,485B1). Claims 7 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schneider* in view of *Matthews et al.*, (U.S. Patent Application Publication No. 2007/0083528A1). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schneider* in view of *Lau* and further in view of *Matthews*. Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schneider* in view of *Lee et al.*, (U.S. Patent No. 6,728,777B1). Applicant respectfully submits that these rejections are overcome in light of the above amendments.

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A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2142.

Claims 3-7, 9, 10, 22 and 23 are dependent claims that include the same exemplary features described above with respect to Claims 1, 2, 8 and 12-21. *Lau*, *Matthews* and *Lee* fail to remedy the above-described deficiencies of *Schneider* with respect to Claims 1, 2, 8 and 12-21. Accordingly, the § 103 rejections of Claims 3-7, 9, 10, 22 and 23 are overcome for at least the same exemplary reasons given above with respect to the rejections of Claims 1, 2, 8 and 12-21.

As demonstrated above, the § 103 rejections of Claims 3-7, 9, 10, 22 and 23 are overcome, and withdrawal of those rejections is respectfully requested. Therefore, Applicant submits that Claims 3-7, 9, 10, 22 and 23 are in condition for allowance.

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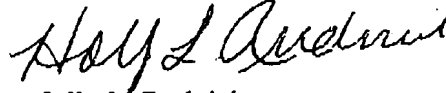
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For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact the undersigned at the number indicated below.

Dated: 8/3/2007

Respectfully submitted,

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